

REMARKS

Specification

The Examiner objected to the specification based on the use of the word “comprises” and the subscript located at the bottom of page 12. Applicant has addressed these concerns. Accordingly, the specification is no longer objectionable.

Claim Rejections - 35 U.S.C. §102

The Examiner rejected claims 1 and 19 under 35 U.S.C. §102(e) as being anticipated by *Furukawa* (US 6,243,022). With respect to claim 1, Applicant has amended claim 1 to include the limitation that the control unit controls “a vehicle climate control system and at least one other subsystem of a vehicle.” Moreover, the remote vehicle operation system further requires “a vehicle transmitter/receiver for communication with said control unit” and “a remote transmitter/receiver for communication with said vehicle transmitter/receiver.” These features are not shown by either *Furukawa* or the other references cited by the Examiner. Indeed, *Furukawa* makes no mention of remotely controlling a vehicle climate control system. Accordingly, claim 1 and its dependents, claims 2-4 and 6-7, are in condition for allowance.

The Examiner rejected claims 8-18 under 35 U.S.C. §102(e) as being anticipated by *Liu, et al* (US 6,263,272). Applicant has amended claim 8 to highlight a feature not shown by *Liu, et al*. Specifically, claim 8 requires “said environmental conditioning subsystem comprising at least one of an air conditioner and a heating unit.” This feature is not shown by *Liu, et al.*, which shows a control for raising and lowering windows and/or a sunroof. Accordingly, there is no teaching in *Liu, et al.* of a communication unit in communication with “at least one of an air conditioner and a heating unit” and there is

also no showing of “said communication unit for transmitting a signal beyond said vehicle when said environmental conditioning subsystem meets a predetermined condition.” Because these features are absent from *Liu, et al.*, claim 8 and its dependants, claims 9-18, stand in condition for allowance.

Claim 15, as amended, now requires “said predetermined condition relates to said vehicle reaching a desirable temperature.” This feature is also not shown by *Liu, et al.* *Liu, et al.* teaches the sending of an alarm signal when the vehicle cabin temperature is undesirable, not when it is, in fact, desirable. For this additional reason, claim 15 is in condition for allowance.

Claim Rejections - 35 U.S.C. §103

The Examiner rejected claims 2-5 and 7 under 35 U.S.C. §103(a) as being unpatentable over *Furukawa* in view of *Liu, et al.* Applicant believes that the combination of *Furukawa* and *Liu, et al.* is improper. As a preliminary matter, the Examiner seeks to combine these references based on the following motivation:

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a second receiver which is a phone, a subsystem as a climate control system, a vehicle navigation system, and vehicle security system in *Furukawa's* device as taught by *Liu* for the purpose of providing a communication system for alerting the vehicle driver or others when the danger of fatalities comes about.

[Non-Final Office Action (10/27/03), p.7]. This so-called motivation of “alerting the vehicle driver or others when the danger of fatalities comes about,” however, is meaningless to support the combination of *Furukawa* with *Liu, et al.* Indeed, while fear of fatality might be the motivation for *Liu, et al.*, it is not any motivation to add or change any aspect of *Furukawa*. *Furukawa* involves a remote control device for a vehicle door and window system. There is nothing within *Furukawa* that suggests that *Furukawa*

would benefit from the lifesaving measures of *Liu, et al.* Accordingly, the combination is improper for lack of motivation.

In addition, *Furukawa* teaches a two-way communication system for a vehicle window and door system. *Liu, et al.* does not involve even a remote control device. Instead, the system of *Liu, et al.* is controlled by a vehicle micro-controller [12] that serves to control the windows and sunroof when the vehicle is left unattended. In other words, the invention of *Furukawa* and the invention of *Liu, et al.* are at cross purposes. *Furukawa* requires an individual to be near the vehicle for remote control operation of the vehicle's windows and doors. In contrast, *Liu, et al.* teaches the automated control of windows and a sunroof when the vehicle is left unattended. For this additional reason, the combination of *Furukawa* and *Liu, et al.* is improper. Therefore, claims 2, 4, 5 and 7 are in condition for allowance.

Claim 7 requires that "said control unit is for comparing a cab temperature to a desired temperature and for sending said feedback signal to let an operator know that the cab temperature is within a range of said desired temperature." As mentioned before, *Liu, et al.* sends an alarm signal when the cab temperature is undesirable, not when the temperature is desirable. For this reason, claim 7 is in condition for allowance.

The Examiner rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over *Furukawa* in view of *Flick*. Claim 20, which is now incorporated in claim 19, requires in pertinent part, "wherein said command is a remote ignition signal, and step (3) includes starting the vehicle and a vehicle climate control and step (4) includes the step of comparing a desired cab temperature to an actual cab temperature, and sending said feedback when the two are within a range." [Claim 19, as amended]. The Examiner

contends that these features are shown by both *Furukawa* and *Flick*. However, *Furukawa* does not teach “the steps of a vehicle climate control, comparing a desired cab temperature to an actual cab temperature, and sending said feedback when the two are within a range....” It is believed that the Examiner has mistaken *Furukawa* for *Liu, et al.* In either case, the combination of references do not teach each of the limitations of claim 19. None of the references teach the starting of a vehicle climate control as required by step 3 or teach “comparing the desired cab temperature to an actual cab temperature, and sending said feedback when the two are within a range.” As noted before, *Liu, et al.* teaches sending a feedback signal when the cab temperature is out of range from the desired cab temperature, not when the cab temperature is within a desired range. For this reason, claim 20 is in condition for allowance.

Moreover, the combination is also improper. Assuming the correct combination to be *Liu, et al.* with *Flick*, *Flick* teaches a remote control system for use by a person attending a vehicle while *Liu, et al.* teaches an automatic control of a vehicle window and sunroof system when the vehicle is left unattended. Again, the two inventions are at cross purposes. The combination is thus improper. Claim 19 is in condition for allowance for this additional reason.

For this same reason, claim 6 which relies upon the combination of *Liu, et al.* with *Flick* is also allowable. Moreover, claim 6, as amended, requires a control unit in communication with a climate control system and a vehicle ignition system. There is no showing in any of the references of a control unit controlling both the vehicle climate control system and a vehicle ignition system. *Liu, et al.*, in fact, shows the control of a

window and a sunroof, not “a vehicle climate control system.” For this additional reason, claim 6 is in condition for allowance.

Applicant has further added new claims, which are allowable over the cited references. New claim 21 requires in pertinent part, “a vehicle environment conditioning system controllable by said control unit and said remote transmitter.” There is no such feature disclosed in any of the references. For this reason, claim 21 and its dependents, new claims 22-25, are in condition for allowance.

Claim 22 further requires, “said vehicle environment conditioning system comprises at least one of an air conditioning unit and heating unit.” This feature is not shown by any of the references. Therefore, claim 22 is allowable.

New claim 23 requires, “wherein a setting of said environment conditioning system is controllable through said remote transmitter.” This features is not shown by any of the references. Therefore, claim 23 is in condition for allowance.

Claim 24 depends upon claim 23. For this reason alone, claim 24 is in condition for allowance. Claim 24 further requires the feature of “said setting is at least one of a temperature setting and a blower setting.” This feature is not shown by any of the cited references. Claim 24 is in condition for allowance.

Claim 25 requires, “a remote receiver and a vehicle transmitter, said vehicle transmitter for communication with said remote receiver.” There is no showing of this feature in any of the references. Therefore, claim 25 is in condition for allowance.

New claim 26 involves a method of controlling a vehicle environment conditioning system. Claim 26 requires the step of “transmitting a first signal to a vehicle environment conditioning system on a vehicle,” “receiving the first signal,” and

“controlling the vehicle environment conditioning system based on the first signal.”

These features are not shown by any of the references. Therefore, claim 26 is in condition for allowance.

Claim 27 requires, “wherein the first signal relates to a setting of the environment conditioning system.” This feature is not shown by any of the references. Therefore, claim 27 is in condition for allowance.

Claim 28 depends upon claim 27 and further requires, “the setting is at least one of a temperature setting and a blower setting.” This feature is not shown by the cited references. Therefore, claim 28 is in condition for allowance.

Claim 29 requires the step of “transmitting a second signal from the vehicle, the second signal relating to the vehicle environment condition system.” This feature is not shown by the cited references. Therefore, claim 29 is in condition for allowance.

Claim 30 depends upon claim 4 and further requires, “said feedback signal relates to a vehicle location.” This feature is not shown by any of the references. For this reason, claim 30 is in condition for allowance.

Claim 31 also depends upon claim 4 and requires, “said feedback signal relates to information from said vehicle navigation system.” This feature is not shown by any of the references. Therefore, claim 31 is in condition for allowance.

Claim 32 depends upon claim 6 and requires, “said feedback signal relates to said vehicle ignition system.” There is no disclosure of this feature in the cited references. Therefore, claim 32 is in condition for allowance.

For the above reasons, claims 1-2, 4-19, and 21-32 are in condition for allowance.

Applicant believes that additional fees in the amount of \$352.00 are required for ten claims in excess of twenty and two additional independent claims. A check in the amount of \$352.00 is enclosed. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

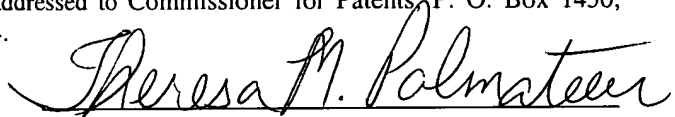
By: 

Anthony P. Cho
Registration No. 47,209
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: January 27, 2004

CERTIFICATE OF MAILING

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 27, 2004.


Theresa M. Palmateer

N:\Clients\SIEMENS\IP00321\Patent\Response 1-2004.doc